

RICHARD M. ROGERS, Bar No. 45843
RogersRMR@aol.com
LAW OFFICE OF RICHARD M. ROGERS
100 Bush Street, #1980
San Francisco, CA 94104
Telephone: 415.981.9788
Facsimile: 415.981.9798

Attorneys for Plaintiff
ELEANOR REED

PAULA CHAMPAGNE, Bar No. 76545
pchampagne@littler.com
LITTLER MENDELSON
A Professional Corporation
650 California Street, 20th Floor
San Francisco, CA 94108.2693
Telephone: 415.433.1940
Facsimile: 415.743.6548

Attorneys for Defendant
AVIS BUDGET GROUP, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ELEANOR REED,

Plaintiff,

v.

AVIS BUDGET GROUP, INC. and DOES
1 through 10, inclusive,

Defendant.

Case No. CV-09-1480 CW

**STIPULATION AND ~~PROPOSED~~
ORDER RESCHEDULING MEDIATION
AND TRIAL DATE AS MODIFIED**

On February 3, 2009, the Department of Fair Employment and Housing issued an accusation against Avis Budget Group, alleging claims regarding disability discrimination, accommodation, the interactive process, unlawful inquiry and the prevention of discrimination. The DFEH and Avis Budget Group litigated these claims before an administrative law judge of the Fair Employment and Housing Commission in May and June 2009. The parties submitted their briefs to the ALJ in August 2009.

1 On March 6, 2009, Plaintiff filed a lawsuit in San Francisco County Superior Court,
2 alleging retaliation. Avis Budget Group removed the lawsuit to this Court on April 3, 2009.

3 On June 24, 2009, the parties filed a Stipulation and Proposed Order selecting
4 mediation as their choice of ADR, and on June 25, 2009, this Court ordered that they complete
5 mediation within 90 days of the order.

6 On August 4, 2009, at the case management conference, the parties asked the Court to
7 extend the ADR deadline to November 30, 2009, as the Commission had not yet issued its decision.
8 Sue J. Stott of Perkins Coie had been appointed as the parties' mediator, and Ms. Stott and the
9 parties agreed it would be beneficial to first have the Commission's decision prior to engaging in any
10 efforts at mediation. This Court extended the deadline.

11 On November 11, 2009, the parties again requested that the ADR deadline be
12 extended to March 31, 2010 as the Commission had still not issued its decision, and this Court
13 extended the deadline.

14 To date, the FEHC has not issued any decision.

15 The parties now request that this Court reschedule the mediation deadline, the
16 deadline by which the parties are to file dispositive motions (which currently must be filed by May 6
17 or 13, 2010) and the trial date, which currently is set for January 18, 2011. The parties make this
18 request because mediation will not be successful until the parties know the decision of the
19 Commission with respect to Plaintiff's claims. The parties will not be able to file dispositive
20 motions based upon collateral estoppel and/or *res judicata* absent a decision from the Commission.
21 Finally, the parties request that the trial date be reset, as one or both parties will seek to file
22 dispositive motions which should be heard and determined in advance of any efforts to begin
23 preparing for trial.

24 The parties request that the Court approve the following dates for trial and other
25 proceedings.

26 Deadline to add additional parties or claims: 08/04/09

27 ADR Session to be held by: 06/30/10

28 (or as soon thereafter as is convenient to the mediator's schedule)

1 Date of next case management conference: 06/17/10

2
3 Completion of fact discovery: 07/16/10

4 Disclosure of identities and reports of expert witnesses: 11/17/10

5 Completion of expert discovery: 01/18/11

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7 All case-dispositive motions to be heard at 2:00 p.m.

8 on or before: 10/21/10

9 Final pretrial conference at 2:00 p.m. on: 02/22/11

10 A six day jury trial will begin at 8:30 a.m. on: 03/14/11

11 Additional matters: If Plaintiff is filing a dispositive motion, opening brief will be
12 due six weeks prior to 10/21/10; Defendant's opposition and any cross-motion (contained within a
13 single brief) will be due two weeks later; Plaintiff's reply/opposition to cross-motion (contained
14 within a single brief) will be due one week thereafter; Defendant's surreply will be due one week
15 later. If Plaintiff does not file a dispositive motion, Defendant's dispositive motion will be due five
16 weeks prior to 10/21/10. Counsel can include effect of FEHC decision in summary judgment brief
17 or file as an early motion.

18 Dated: March 11, 2010

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21 RICHARD M. ROGERS
22 Attorneys for Plaintiff
23 ELEANOR REED

24 Dated: March 11, 2010

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26 PAULA CHAMPAGNE
27 LITTLER MENDELSON
28 A Professional Corporation
Attorneys for Defendant
AVIS BUDGET GROUP, INC.

ORDER

For good cause shown and pursuant to the Stipulation of the parties that they wish to extend the deadline for mediation, dispositive motions and trial, IT IS HEREBY ORDERED that the Court will reschedule the Pretrial Conference to February 22, 2011 and the Trial date to March 14, 2011. The Court approves the other dates as stipulated to by the parties in the previous pages as follows:

Deadline to add additional parties or claims:	08/04/09
ADR Session to be held by:	06/30/10
(or as soon thereafter as is convenient to the mediator's schedule)	
Date of next case management conference:	06/17/10 10/21/10
Completion of fact discovery:	07/16/10
Disclosure of identities and reports of expert witnesses:	11/17/10
Completion of expert discovery:	01/18/11
All case-dispositive motions to be heard at 2:00 p.m.	
on or before:	10/21/10
Final pretrial conference at 2:00 p.m. on:	02/22/11
A six day jury trial will begin at 8:30 a.m. on:	03/14/11

Additional matters: If Plaintiff is filing a dispositive motion, opening brief will be due six weeks prior to 10/21/10; Defendant's opposition and any cross-motion (contained within a single brief) will be due two weeks later; Plaintiff's reply/opposition to cross-motion (contained within a single brief) will be due one week thereafter; Defendant's surreply will be due one week later. If Plaintiff does not file a dispositive motion, Defendant's dispositive motion will be due five weeks prior to 10/21/10. Counsel can include effect of FEHC decision in summary judgment brief or file as an early motion.

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IT IS SO ORDERED.

Dated: March 19th, 2010



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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